IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CIVIL WRIT PETITION NO.208/96

Om Prakash Yadav **Versus** State & Ors.

DATE OF ORDER :: 18/04/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. R.S. Mehta, for petitioner
Mr. B.K. Sharma, Dy.G.A.

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In the instant petition mining lease was granted and executed in favour of petitioner on 21st August, 1990 for a period of 10 yrs. During the intervening period, the respondents were of the view that petitioner has violated certain conditions of grant of lease served him a notice and finally cancelled the lease vide order dated 23rd February, 1994 – against which petitioner preferred appeal that too was also dismissed vide order Ann.17 dated 18th May, 1995 which he has assailed and by virtue of stay granted to him petitioner was allowed to operate mining lease for the period it was executed. He has also submitted application for renewal of mining lease in the office of respondents on 6th November, 2000, but counsel on instructions submits that it is still pending, might be for the reason that the dispute still has not been resolved in the instant petition so far.

Counsel for respondents, on the other hand,

submits that under the interim order of this court, petitioner was allowed to operate the mining, but he has not paid the royalty which he was under legal obligation to pay. It goes without saying that respondent is always free to recover if it has not been paid in accordance with law.

Since the period for mining lease has already expired, the dispute which petitioner raised in the instant petition in change circumstances as referred to supra does not hold good to examine. However, it is made clear that application for renewal which if pending in their office since November, 2000 as alleged by petitioner, it is expected that respondents may consider the same and pass necessary orders within three months in accordance with law.

With the above observations, the writ petition stands disposed of.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.